IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19753 of 2004

Between:

G. Venkateswar Rao S/o Sri G. Gopaiah
R/o H. No. 4-20/1, Vidyanagar, Gannavaram Post Krishna District

..... PETITIONER

AND

1 The Food Corporation of India, Barah Khamba road, New Delhi Rep by Managing Director
2 The Zonal Manager (South), Food Corporarion of India, 2 Haddows Road, Chennai
3 The Senior Regional Manager, Food Corporation of India, HACA Bhawan Nampalli, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or Writ particularly one in the nature of Writ of Mandmaus or any other appropriate Writ (i) declare the proceedings of the Disciplinary Authority/Third respondent proceedings No. Vig/4(75)/2001 dated 12-11-2002 imposing the penalty of reduction of pay to the minimum pay of Rs. 4820/- in the time scale of pay of Rs.4820-8530/- with further punishment that the petitioner will not earn any increments falling due on 1-1-2003, 1-1-2004 and 1-1-2005 as illegal, arbitrary and contrary to Food Corporation of India Staff Regulation (ii) declare the order NO. Vig.5 (12)/2003-AP dated 23-5-2003 issued by the Second respondent Appellate Authority as illegal and arbitrary and pass other order or orders in the interest of justice.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.B.ANJANEYULU

The Court at the stage of admission, made the following :

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ORAL ORDER

The petitioner is working as an Assistant Grade-III-Technical in the respondent-Corporation. He was imposed punishment through the proceedings dated 12-11-2002 by the disciplinary authority as an out-come of the disciplinary proceedings. The petitioner preferred an appeal to the 2nd respondent and the appeal was dismissed on 23-05-2003 by confirming the order of the 3rd respondent. The petitioner preferred a review petition provided under the statute on 24-07-2003 to the 1st respondent and it is pending consideration. The grievance of the petitioner is that the 1st respondent so far did not pass any orders on the review petition filed by him. Therefore, he approached this Court through this writ petition seeking to declare that the proceedings of the 3rd respondent dated 12-11-2002 and the proceedings of the 2nd respondent dated 23-05-2003 as illegal and arbitrary.

The petitioner mentioned in the affidavit that he filed a review petition before the 1st respondent and it is pending. During the pendency of the review petition, the petitioner cannot maintain the present writ petition as a parallel proceeding.

Accordingly, the writ petition is dismissed. The 1st respondent is directed to pass appropriate orders in the review petition according to the rules in force within four (4) months from the date of receipt of a copy of this Order. No order as to costs.

_____ Dr.G.YETHIRAJULU, J.

Dated: 28th October, 2004.

*TSNR

TO

1. The Manager, Food Corporation of India, Barah Khamba road, New Delhi.

2. The Zonal Manager (South), Food Corporarion of India, 2 Haddows Road, Chennai.

3. The Senior Regional Manager, Food Corporation of India, HACA Bhawan Nampalli, Hyderabad .

4. Two C.D.Copies